

Message Text

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TO USDEL SECRETARY IMMEDIATE

C O N F I D E N T I A L STATE 227545 TOSEC 270125

EXDIS - FOR EAGLEBURGER FROM MCMANAWAY AND EGAN

E.O. 11652: GDS

TAGS: PFOR

SUBJECT: TERRORISM AND THE SECRETARY'S UNGA SPEECH

REFERENCE: SECTO 27027

1. WE HAVE DISCUSSED THE TERRORISM PORTION OF THE UNGA SPEECH WITH S/P AND WIN WILL BE GETTING AN EXPANDED, BUT NOT TERRIBLY DRAMATIC, REVISED TEXT BY SEPTTEL.

2. AS YOU PROBABLY KNOW, THERE IS CONCERN IN THE DEPARTMENT THAT ANY DRAMATIC U.S. INITIATIVE, PROPOSALS, ETC. ON TERRORISM AT UNGA MAY CARRY THE KISS OF DEATH AS EVIDENCED BY PREVIOUS ATTEMPTS OF OURS IN THAT FORUM. NAMELY THAT U.S. INITIATIVES ARE OFTEN SEEN AS ANTI-ARAB AND PRO-ISRAELI AND AS SUCH HAVE NOT ATTRACTED BROAD INTERNATIONAL CONSENSUS. DEPARTMENT RECOMMENDATIONS ON SPECIFIC PROPOSALS THE SECRETARY MIGHT MAKE IN NEW YORK ARE CONSEQUENTLY SOMEWHAT LACKLUSTER AND UNIMAGINATIVE.

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3. FRG PROPOSAL: GENSCHER WILL ADDRESS UNGA ON THE 28TH AND WILL FLOAT THE GERMAN PROPOSAL RE A "CONVENTION CONCERNING INTERNATIONAL MEASURES AGAINST TAKING OF HOSTAGES" AT THAT TIME. THE BASIC RECOMMENDATIONS OF THAT

PROPOSAL ARE AS FOLLOWS: THE UNGA (1) CONDEMNS AS ABHORRENT AND INHUMAN THE TAKING OF HOSTAGES WHATEVER THE CAUSE OR MOTIVE; (2) DECIDES TO ESTABLISH A COMMITTEE ON "MEASURES AGAINST THE TAKING OF HOSTAGES" COMPOSED OF 35 MEMBER STATES; (3) REQUESTS THE PRESIDENT OF THE GENERAL ASSEMBLY, AFTER CONSULTATIONS WITH THE CHAIRMAN OF THE REGIONAL GROUPS TO APPOINT THE MEMBERS OF THE COMMITTEE ON THE BASIS OF EQUITABLE GEOGRAPHICAL DISTRIBUTION AND REPRESENTING THE PRINCIPAL LEGAL SYSTEMS OF THE WORLD; (4) REQUESTS THE COMMITTEE TO DRAFT AT THE EARLIEST POSSIBLE DATE A CONVENTION ON INTERNATIONAL ACTION AGAINST THE TAKING OF HOSTAGES TO BE SUBMITTED TO THE GENERAL ASSEMBLY AND GIVING PARTICULAR ATTENTION TO THE PRINCIPLE THAT PERSONS WHO PERPETRATE SUCH ACTS SHOULD BE PROSECUTED AND PUNISHED OR SHOULD BE EXTRADITED FOR THE PURPOSE OF PROSECUTION AND PUNISHMENT; (5) AUTHORIZES THE COMMITTEE, IN THE FULFILLMENT OF ITS MANDATE, TO ESTABLISH CONTACT WITH AND TO RECEIVE AND CONSIDER SUGGESTIONS AND PROPOSALS FROM ANY STATE AND INTERGOVERNMENTAL ORGANIZATION AND TO CONSULT WITH SCIENTIFIC INSTITUTIONS AND EXPERTS; (6) REQUESTS THE SECRETARY-GENERAL TO AFFORD THE COMMITTEE ANY ASSISTANCE AND PROVIDE IT WITH ALL FACILITIES IT MAY REQUIRE FOR THE PERFORMANCE OF ITS WORK AND TO ASSURE THAT SUMMARY RECORDS ON THE COMMITTEE'S MEETINGS WILL BE DRAWN UP AND SUBMITTED; (7) REQUESTS THE COMMITTEE TO SUBMIT ITS REPORT AND, IF POSSIBLE, A DRAFT CONVENTION TO THE GENERAL ASSEMBLY IN GOOD TIME FOR CONSIDERATION AT ITS 32ND SESSION AND REQUESTS THE SECRETARY-GENERAL TO COMMUNICATE THE REPORT TO THE MEMBER STATES; (8) DECIDES TO INCLUDE THE ITEM ENTITLED "DRAFTING OF A CONVENTION ON INTERNATIONAL ACTION AGAINST THE TAKING OF HOSTAGES" IN THE PROVISIONAL AGENDA OF ITS 32ND SESSION.

4. THE FRG IS AT THIS MOMENT CANVASSING THE EC-9 AND THIRD WORLD COUNTRIES TO DETERMINE THE DEGREE OF INTERNATIONAL SUPPORT. DAVE ANDERSON TELLS ME THAT ALTHOUGH THE FRG WOULD WELCOME USG CO-SPONSORSHIP OF THIS PROPOSAL
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(WHICH WE HAVE ALREADY OFFERED) THEY WOULD PREFER WE NOT TAKE AN OVERLY PUBLIC POSITION OF SUPPORT. THE GERMANS HAVE ALREADY INFORMED DAVE THAT THEY ARE NOT WILDLY ENTHUSIASTIC ABOUT ISRAELI CO-SPONSORSHIP FOR OBVIOUS REASONS. EUR HAS JUST FINISHED A BRIEFING PAPER FOR HAK FOR HIS BILATERAL WITH GENSCHER AT UNGA WHICH NOTES "WE SUPPORT IN PRINCIPLE THE PLANNED FRG INITIATIVE REGARDING HOSTAGES.... WE DO NOT WANT TO UNLEASH AN UNPRODUCTIVE AND POLITICALLY CHARGED DEBATE IN UNGA OVER THE DEFINITION OF TERRORISM. WE BELIEVE THE TIME IS RIPE, HOWEVER, TO EXPLOIT EXPANDED INTERNATIONAL INTEREST IN THE HOSTAGE ISSUE AND TO PUSH FOR EFFECTIVE INTERNATIONAL ACTION ON THIS SPECIFIC PART OF THE PROBLEM.

5. PAST RECORD ON TERRORISM IN THE UN: IN 1970 THE UNGA ADOPTED UNANIMOUSLY THE DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND COOPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS WHICH INCLUDES THE FOLLOWING PROVISION: "EVERY STATE HAS THE DUTY TO REFRAIN FROM ORGANIZING, INSTIGATING, ASSISTING OR PARTICIPATING IN ACTS OF CIVIL STRIFE OR TERRORIST ACTS IN ANOTHER STATE OR ACQUIESCING IN ORGANIZED ACTIVITIES WITHIN ITS TERRITORY DIRECTED TOWARDS THE COMMISSION OF SUCH ACTS, WHEN THE ACTS REFERRED TO ... INVOLVE A THREAT OR USE OF FORCE." AT THAT SAME SESSION (THE 25TH) THE ASSEMBLY ADOPTED (105--0 WITH 8 ABSTENTIONS) RESOLUTION 2645 WHICH CONDEMNED WITHOUT EXCEPTION ALL ACTS OF AIR HIJACKING AND CALLED UPON STATES TO TAKE ALL APPROPRIATE MEASURES TO DETER, PREVENT, OR SUPPRESS SUCH ACTS. THE EXPLOITATION OF UNLAWFUL SEIZURE OF AIRCRAFT FOR THE PURPOSE OF TAKING HOSTAGES WAS EXPRESSLY CONDEMNED.

6. IN 1972 (THE 27TH SESSION) WALDHEIM PUT INTERNATIONAL

TERRORISM ON THE AGENDA. WE SUBSEQUENTLY PROPOSED A DRAFT CONVENTION FOR THE PREVENTION AND PUNISHMENT OF CERTAIN ACTS OF INTERNATIONAL TERRORISM. NO CONCRETE MEASURES WERE TAKEN BY THE ASSEMBLY, BUT IT DID ESTABLISH AN AD HOC COMMITTEE ON INTERNATIONAL TERRORISM TO "MAKE RECOMMENDATIONS FOR POSSIBLE COOPERATION FOR THE SPEEDY

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ELIMINATION OF THE PROBLEM". THIS COMMITTEE HAS MADE NO PROGRESS TO DATE. DURING THE 28TH SESSION, HOWEVER, THE ASSEMBLY UNANIMOUSLY APPROVED A CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS INCLUDING DIPLOMATIC AGENTS. THIS CONVENTION REPRESENTED A CONSIDERABLE WATERING DOWN OF OUR OWN 1972 PROPOSAL.

7. INTERNATIONAL CONVENTIONS:

THREE INTERNATIONAL CONVENTIONS DEALING WITH AIR TERRORISM AND HIJACKING HAVE BEEN CONCLUDED UNDER THE AUSPICES OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO): OFFENSES AND CERTAIN OTHER ACTS COMMITTED ON AIRCRAFT (TOKYO 1973); THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT--HIJACKING (THE HAGUE 1970); AND THE SUPPRESSION OF UNLAWFUL ACTS AGAINST CIVIL AVIATION--SABOTAGE (MONTREAL 1971). THE ICAO HAS ALSO ADOPTED INTERNATIONAL STANDARDS AND PRACTICES GOVERNING AIRPORT SECURITY AND AIRCRAFT SAFETY.

8. IN THE AFTERMATH OF ENTEBBE, SCRANTON CONDEMNED INTERNATIONAL TERRORISM (SPECIFICALLY HIJACKING) AND CALLED FOR AN INTERNATIONAL EFFORT TO PREVENT FUTURE INCIDENTS. A JOINT US--UK PROPOSAL TO THIS EFFECT WAS,

IN THE ABSENCE OF 9 AFFIRMATIVE VOTES, DEFEATED. THERE WERE, HOWEVER, NO VOTES CAST AGAINST THE RESOLUTION.

9. IN RESPONSE TO IO'S DISCUSSION OF TERRORISM IN THE UNGA SPEECH, M/CT PRODUCED A REDRAFT WHICH FOR SOME REASON NEVER MADE IT INTO THE VERSION YOU NOW HAVE. ALTHOUGH NOT STARTLING IN ITSELF IT IS AN IMPROVEMENT ON THE CURRENT TEXT AND WE ARE TRANSMITTING IT IN FULL BELOW. PARTS OF IT MAY BE PICKED UP IN THE S/P REDRAFT TO BE TRANSMITTED BY SEPTTEL; IF NOT IT MAY GIVE YOU SOME FURTHER SUBSTANTIVE AND STYLISTIC IDEAS.

10. M/CT TEXT. BEGIN TEXT. WHILE WE CONTINUE OUR SEARCH FOR WORLD PEACE AND SECURITY WE ARE PLAGUED BY A BRUTAL AND INDISCRIMINATE FORM OF INTERNATIONAL VIOLENCE CONDUCTED BY A FEW SMALL GROUPS OF INDIVIDUALS WHO SEEK TO FORCE GOVERNMENTS TO ACCEDE TO THEIR DEMANDS BY THREATENING THE LIVES OF INNOCENT HOSTAGES. SINCE I LAST ADDRESSED THIS BODY ONE YEAR AGO, THERE HAVE BEEN 8
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HIJACKINGS, 20 KIDNAPPINGS, 30 ARMED ATTACKS AND 95 BOMBINGS PERPETRATED BY INTERNATIONAL TERRORISTS. AS A RESULT, OVER 60 PEOPLE HAVE LOST THEIR LIVES AND 166 HAVE BEEN INJURED. THESE ACTS OF INTERNATIONAL BARBARISM KNOW NO BOUNDS, RESPECT NO STATION IN LIFE AND EXCLUDE NOT EVEN HELPLESS CHILDREN.

WE DO NOT BELIEVE THE BASIC CRIMINAL NATURE OF BRUTAL ATTACKS ON INNOCENT VICTIMS CAN BE ABSOLVED BY THE DECLARATION OF LOFTY MOTIVES. TO ACCEPT OR CONDONE SUCH CRIMES BECAUSE OF POLITICAL MOTIVATION IS TO TURN OUR BACKS ON THE UNIVERSAL MORAL AND LEGAL CODES WHICH GUIDE ALL ENLIGHTENED PEOPLES. WE CANNOT, WE WILL NOT EXCUSE CRIMINAL ACTS AGAINST HUMANITY WHATEVER THE PROFESSED MOTIVE.

THE PROBLEM WE FACE TODAY CLEARLY TRANSCENDS NATIONAL BOUNDARIES. THEREFORE, IT CAN ONLY BE DEALT WITH THROUGH THE COOPERATIVE EFFORTS OF ALL NATIONS WHO REJECT THE PREMISE THAT TERROR AND THE INTIMIDATION OF INNOCENT HOSTAGES ARE VALID MEANS FOR ACHIEVING POLITICAL OBJECTIVES. THE LIVES OF ALL WHO ENGAGE IN INTERNATIONAL TRAVEL ARE IN JEOPARDY. WE CANNOT IGNORE THAT THREAT AND WE CAN NO LONGER DELAY TAKING EFFECTIVE ACTION AGAINST IT.

WE MUST FACE THE REALITY THAT INTERNATIONAL TERRORISM WILL NOT GO AWAY IN THE ABSENCE OF COOPERATIVE ACTION AND EFFECTIVE SANCTIONS BY RESPONSIBLE NATIONS. TERRORISM FEEDS ON THE FEAR IT SEEKS TO IMPOSE. UNFORTUNATELY, TOO MANY WOULD ALLOW THEIR SYMPATHY FOR A POLITICAL CAUSE TO CLOUD THEIR JUDGMENT OF THE MEANS USED TO ADVANCE THAT CAUSE.

I REGRET TO NOTE THAT THERE ARE EVEN THOSE WHO OPENLY BOAST OF THEIR SUPPORT FOR POLITICAL ACTION THROUGH TERRORISM BY OFFERING TERRORISTS SAFE HAVEN, FINANCIAL ASSISTANCE AND EVEN TRAINING IN THE METHODS OF CARRYING OUT THEIR ATTACKS.

IF AS GOVERNMENTS WE FAIL TO TAKE ADEQUATE MEASURES, TRAVELERS WILL EXERCISE THEIR OWN PRUDENCE TO PROTECT THEMSELVES. ALREADY TRAVELERS ARE AVOIDING INTERNATIONAL CARRIERS AND AIR TERMINALS WHICH DO NOT PROVIDE ADEQUATE CONFIDENTIAL

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SECURITY MEASURES. GOVERNMENTS HAVE LONG OFFERED INTERNATIONAL TRAVEL ADVISORIES TO THEIR CITIZENS ABOUT NATURAL CATASTROPHES AND POLITICAL DISTURBANCES ABROAD, THEY MAY WELL CONSIDER SUCH ADVISORY NOTICE REGARDING THE ADEQUACY OF SECURITY MEASURES PROVIDED BY FOREIGN AIR CARRIERS AND TERMINALS.

IN 1972, THE U.S. PROPOSED TO THE UN A NEW INTERNATIONAL CONVENTION FOR THE PREVENTION AND PUNISHMENT OF CERTAIN ACTS OF INTERNATIONAL TERRORISM, COVERING KIDNAPPING, MURDER AND OTHER ACTS OF VIOLENCE. REGRETTABLY, OUR PROPOSAL WAS NOT ADOPTED AND THE CONSEQUENCE HAS BEEN THE UNNECESSARY LOSS OF INNOCENT LIVES THAT COULD HAVE BEEN SAVED. ONCE AGAIN, WE URGE THAT OUR PROPOSAL, OR A SIMILAR ONE, BE ADOPTED AS A MATTER OF HIGHEST PRORITY. I BELIEVE IT WORTHY OF MENTION THAT DUE IN LARGE PART TO THE STRINGENT AIR CARRIER AND AIRPORT SECURITY MEASURES ENFORCED IN THE U.S., THERE HAS BEEN NO SUCCESSFUL HIJACKING OF AN AIRCRAFT IN THIS COUNTRY SINCE NOVEMBER OF 1972. I AM CONVINCED IDEOLOGICAL DIFFERENCES DO NOT POSE AN INSURMOUNTABLE BARRIER TO A SUCCESSFUL INTERNATIONAL EFFORT FOR THE INCREASED SAFETY OF AIR TRAVEL.

WE ARE CONVINCED THAT MORE STRINGENT STEPS MUST BE TAKEN URGENTLY BY THE INTERNATIONAL COMMUNITY TO DENY SKY-JACKERS AND TERRORISTS A SAFE HAVEN AND TO ESTABLISH SANCTIONS AGAINST STATES WHICH SUPPORT, HARBOR OR FAIL TO PROSECUTE OR EXTRADITE THEM. WE ALSO BELIEVE THAT ADDITIONAL MEASURES ARE REQUIRED TO PROTECT PASSENGERS IN BOTH TRANSIT AND TERMAINAL AREAS AS WELL AS IN FLIGHT. WE INTEND TO TAKE INITIATIVES TO DEVELOP AN INTERNATIONAL CONSENSUS ON THIS ASPECT OF THE PROBLEM. ALSO, WE INTEND TO DISCUSS WITH OTHER GOVERNMENTS THE PROSPECTS FOR DEVELOPING, PERHAPS ON A REGIONAL BASIS, NEW MEASURES AND SANCTIONS TO DENY THE INTERNATIONAL TERRORIST THE OPPORTUNITY TO COMMIT MURDER.

WE HOPE TO WORK WITHIN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO) TO EXPAND ITS PRESENT TECHNICAL ASSISTANCE CAPABILITIES TO INCLUDE THE SECURITY OF AIR

CARRIERS AND TERMINAL FACILITIES. WE BELIEVE THE
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EXPERIENCE AND ASSISTANCE OF PRIVATE CARRIERS AND
GOVERNMENTS WHO HAVE ALREADY DEVELOPED SUCH CAPABILITIES
CAN BE DRAWN ON. AS A START, WE URGE THE UNIVERSAL
IMPLEMENTATION OF AIRPORT SECURITY STANDARDS ADOPTED BY
ICAO IN 1975. WE ARE PREPARED TO ASSIST THE EFFORTS OF
OTHER GOVERNMENTS TO IMPLEMENT THOSE STANDARDS.

MY GOVERNMENT WILL SUPPORT ANY NEW INITIATIVE WHICH WILL
ENSURE THE SAFETY OF INTERNATIONAL TRAVELERS. WE ARE
PREPARED TO WORK CLOSELY WITH LIKE-MINDED GOVERNMENTS TO
DEVELOP EFFECTIVE ANTI-TERRORIST MEASURES AND TO OBTAIN
THEIR INTERNATIONAL ACCEPTANCE. WE WELCOME ALL SUCH
INITIATIVES FROM OTHER MEMBERS OF THIS BODY. THE TIME
TO ACT IS NOW. LET US DO SO.

11. COMMENT: IT'S SLIM PICKINS, ESPECIALLY IF YOU AND
THE SECRETARY ACCEPT THE PREMISE THAT A MAJOR US
INITIATIVE IN ADDITION TO THE FRG PROPOSAL COULD PROVE
COUNTERPRODUCTIVE. APPROPRIATE OR NOT, THE FOLLOWING
IDEAS COME TO MIND:

-- PUBLIC REAFFIRMATION OF UNGA DECLARATION PER PARA 5
ABOVE:

-- THREAT OF PRIMARY AND OR SECONDARY BOYCOTTS AGAINST
STATES WHICH HARBOR OR OTHERWISE SUPPORT TERRORISTS:

-- TIGHTENING OF USG GUARANTEED INVESTMENT BY FIRMS IN
COUNTRIES WHICH SUPPORT OR HARBOR TERRORISTS:

-- US PASSPORT RESTRICTIONS RE SUCH STATES (OBVIOUSLY NOT
APPROPRIATE ISSUE IN UNGA CONTEXT);

-- RESTRICTIVE VISA POLICIES RE SUCH STATES;

-- ADVISORY TO AMERICAN TOURISTS TO AVOID INTERNATIONAL
AIRPORTS OR CARRIERS WITH LAX SECURITY PROCEDURES;

-- REQUIRE VIA THE LICENSING PROCESS THAT ALL INTERNATIONAL
CARRIERS FLY WITH ARMED AIR MARSHALLS ON BOARD;

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-- REQUIRE THAT INTERNATIONAL AIRPORTS MEET PRESCRIBED
SECURITY STANDARDS BEFORE BEING SERVICED BY INTERNATIONAL
CARRIERS;

-- CAN WE MAKE GREATER USE OF THE INTERNATIONAL COURT
OF JUSTICE WHEN STATES FAIL TO COMPLY WITH OR VIOLATE
EXISTING INTERNATIONAL AGREEMENTS. ROBINSON

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